



County of Los Angeles CHIEF EXECUTIVE OFFICE

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WILLIAM T FUJIOKA
Chief Executive Officer

February 20, 2009

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To: Supervisor Don Knabe, Chairman
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name and title.

SACRAMENTO UPDATE

This memo contains pursuit of County positions on two bills, and information on upcoming legislative hearings of County interest on hospital emergency rooms, the outlook for health care reform, and the In-Home Supportive Services Quality Assurance Initiative.

Pursuit of County Position on Legislation

AB 128 (Coto), as introduced on January 16, 2009, would extend the period after termination of employment that a retired public safety officer could file a workers' compensation claim for cancer and be entitled to a legal presumption that the cancer is job related. The presumption, which is currently three months for each year of service, would be extended to one year for each year of service. Existing law caps the presumption period at five years; AB 128 would remove this cap. An employee with thirty years of service would be entitled to the presumption for up to thirty years after retirement. AB 128 specifies that it shall be known as the William Dallas Jones Cancer Presumption Act of 2009. Mr. Jones was a Los Angeles County firefighter who was diagnosed with lung cancer more than 60 months after his County service and filed a workers' compensation claim against the County.

Under current law, employers are required to provide or pay for all reasonable costs of medical treatment, disability indemnity, and death benefits for work related injuries. For public safety officers, a work related injury includes cancer that develops or manifests

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itself during a period of service when the employee demonstrates he or she was exposed to a known carcinogen during that service. Existing law establishes a legal presumption that the cancer in these cases is presumed to be work related, even if the cancer is not known or diagnosed until after employment has ended, unless controverted by other evidence.

CEO Risk Management indicates that AB 128 would increase the cost and scope of the County's future workers' compensation liability, and because current retirement benefits for public safety employees already include provisions for survivor benefits and medical insurance for long term employees, this significant expansion of workers' compensation benefits does not seem reasonable or necessary. Risk Management further indicates that the bill creates an unreasonably long period of unknown liability and may increase costs by more than \$1 million per year.

Consistent with existing Board policy to oppose legislation that expands existing or creates new presumptions related to injuries, illnesses, diseases, or physical conditions and that can be claimed as job-related for workers' compensation or service connected disability retirement, **the Sacramento advocates will oppose AB 128**. The bill is sponsored by the California Professional Firefighters Association, the Peace Officers Research Association of California, and CDF Firefighters Local 2881. This bill has not yet been assigned to a policy committee.

AB 215 (Feuer and Smyth), as introduced on February 3, 2009, would require a long-term health care facility to post the overall facility rating information determined by the Federal Centers for Medicare and Medicaid Services (CMS), including the number of stars assigned to the facility out of a possible five stars. The overall Five Star Quality Rating is comprised of scores for health inspections, staffing, and how well the facility is caring for the physical and clinical needs of residents. The information would be required to be posted in an area accessible and visible to members of the public; the employee break room; and in a common area used by residents for dining, resident council meetings, or other activities. In addition to posting the overall rating, the facility must post the address of the CMS internet web site where a detailed explanation of the posted rating may be obtained, and maintain a copy of the most recent CMS report for residents or the public to review on request. The bill also would require the California Department of Public Health to report to the Legislature and the Governor on the results of the postings by July 1, 2012.

The County Department of Public Health indicates that posting the CMS results would have a positive effect by providing consumers with information on compliance practices, and will encourage facility operators to maintain high standards in order to achieve high ratings and remain competitive.

Consistent with the Board's recent requests to Governor Arnold Schwarzenegger and Mark Horton, Director of the California Department of Public Health, to require nursing

homes that participate in Medicare and Medi-Cal to post their CMS Five Star Quality Rating in a prominent location in the nursing home, **the Sacramento advocates will support AB 215**. AB 215 is sponsored by the author and there is no registered support or opposition. The measure has not yet been assigned to a policy committee.

Upcoming Assembly and Senate Health Committee Hearings

In the coming weeks, the Assembly and Senate Health Committees will convene a series of hearings on health care issues. The Assembly Health Committee will hold an informational hearing on *"Hospital Emergency Rooms: Challenges and Opportunities,"* on Tuesday, February 24, 2009, and on Wednesday, February 25, 2009, the Senate Health Committee will hold an informational hearing on the *"Outlook for Health Care Reform."* The Assembly will hold a similar informational hearing on health care reform on Monday, March 9, 2009.

In-Home Supportive Services Program Briefing and Senate Human Services Committee Informational Hearing

On February 27, 2009, the Department of Public Social Services (DPSS) is scheduled to provide a briefing on the In-Home Supportive Services (IHSS) Program for members of the Senate Human Services Committee, chaired by Senator Carol Liu, and for staff to the Senate Office of Oversight and Outcomes. The briefing will include an overview of the IHSS Program, a DPSS presentation on the implementation of the IHSS Quality Assurance Initiative, and a visit to a client to observe an in-home assessment for services by an IHSS social worker.

In addition, Senator Liu's office is collecting IHSS Program information from several counties in preparation for a Senate Human Services Committee informational hearing on implementation of the IHSS Quality Assurance Initiative. The hearing is scheduled for March 24, 2009. Prior to the hearing, Senator Liu and staff to the Senate Office of Oversight and Outcomes also plan to meet with representatives from the County Welfare Directors Association, the California Department of Social Services, representatives from IHSS Public Authorities, County District Attorneys, and labor organizations.

We will continue to keep you advised.

WTF:GK:ML
MR:IGA:sb

c: All Department Heads
Legislative Strategist
Local 721
Coalition of County Unions